

REMARKS

Claims 1-5, 7-22, 24-27, 30-33, 35-54, 56-58, 61, and 66-77 are presented for examination. Claims 1-5, 15, 17, 24, 31, 33, 41, 58, 61, 66, 69-71, 74, and 75 and have been amended to define more clearly what Applicant regards as his invention. Claims 1, 3, 5, 33, 58, 61, 66, 69, 70, 71, 74, and 75 are in independent form. Favorable reconsideration is requested.

As an initial matter, Applicant thanks the Examiner for the courtesies extended to his representative during a telephonic interview conducted on May 5, 2008. Applicant's representative and the Examiner discussed the independent claims and the *Ginter et al.* reference; however, no agreement was reached.

Claims 1-5, 7-22, 25-27, 30, 32, 33, 36-58, 61, and 66-77 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The claims have been carefully reviewed and amended as deemed necessary to ensure that they conform fully to the requirements of Section 112, second paragraph, with special attention to the points raised in paragraph 4 of the Office Action.

With respect to the Examiner's comments at paragraph 4b of the Office Action (see pages 4-5), this rejection is traversed. The Examiner states:

Claims 25, 26, 54, 56, 76 and 77 recite storing user-preferences at a remote location. Claims 5 and 33, from which the above claims depend, recite storing user-preferences at a user computer. According to the Specification (page/line 39/17-38/7) these embodiments of Applicant's system are mutually exclusive therefore the operation of claims 25, 26, 54, 56, 76, and 77 are unclear.

However, as would clearly be understood by a person having ordinary skill in the art, there is nothing “mutually exclusive” about storing data at more than one location. Furthermore, the Examiner’s reference to “page/line 39/17-38/7” of the specification continues not to be understood. Neither page 38 nor page 39 appears to relate to the Examiner’s comments insofar as the Applicant understands them. If the Examiner is to maintain this rejection, the Examiner is respectfully requested to clarify the rejection.

It is believed that the rejections under Section 112, second paragraph, have been obviated, and their withdrawal is therefore respectfully requested.

The Office Action states that Claims 1-5, 7-22, 24, 27, 30-33, 36, 37, 39-44, 46-53, 57, 58, 61, and 66-77 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,892,900 (*Ginter et al.*), or as unpatentable being over *Ginter et al.* in view of U.S. Patent No. 6,073,124 (*Krishnan et al.*); that Claims 25, 26, 54, and 56 are rejected as being unpatentable over *Ginter et al.* in view of U.S. Patent No. 5,878,141 (*Daly et al.*), or as being unpatentable over *Ginter et al.* in view of *Krishnan et al.* and further in view of *Daly et al.*; that Claim 38 is rejected as being unpatentable over *Ginter et al.* in view of U.S. Patent No. 5,500,513 (*Langhans et al.*), or as being unpatentable over *Ginter et al.* in view of *Krishnan et al.* and further in view of *Langhans et al.*; and that Claim 45 is rejected as being unpatentable over *Ginter et al.* in view of U.S. Patent No. 5,892,900 (*Casement et al.*), or as being unpatentable over *Ginter et al.* in view of *Krishnan et al.* and further in view of *Casement et al.*.

Applicant submits that independent Claims 1, 3, 5, 33, 58, 61, 66, 69, 70, 71, 74, and 75, together with the claims dependent therefrom, are patentably distinct from the cited art for at least the following reasons.

Generally speaking, the present invention provides a convenient way of accumulating and processing payments for electronic content. More specifically, the invention provides systems and methods by which a user can seamlessly obtain content requiring a fee, such that numerous fees for numerous transactions may be accumulated at a third party server and billed to the user's credit or debit card in an amount equal to a sum of the accumulated fees, rather than billing each individual transaction to a credit or debit card, which can result in delay due to conventional credit/debit transaction initiation and approval processes. Accordingly, the present invention provides a seamless way of browsing through fee-based content without the need for the user to enter payment information for each individual transaction in order to obtain each piece of content.

Claim 5, for example, is directed to a method for accessing content over a network. The method includes:

- (a) establishing an account at a third party billing server (see, e.g., specification at page 30, lines 10-15);
- (b) storing, at the third party billing server, user account information including an account identifier generated by the third party billing server, an account balance and at least one of a credit card number and a debit card number associated with an account held by the user, apart from the account established at the third party billing server (see, e.g., specification at page 14, last paragraph);
- (c) storing account information on a user's information appliance, including an account identifier of the user and at least one predefined user-preference (see, e.g., specification at page 18);

- (d) accessing, through the network, selected content that requires a fee to be accessed, based on the at least one predefined user-preference, specified by the user, pre-authorizing payment for content requiring a fee, and without obtaining further user input specifying a payment authorization or a payment method selection prior to the accessing;
- (e) retrieving the account information stored on the information appliance;
- (f) transmitting the account identifier and an amount of the fee to a third party billing server (see, e.g., specification at page 18); and
- (g) accumulating fees to account for all those incurred for accessing each selected content accessed in the accessing.
- (h) billing the user for an amount equal to a sum of the accumulated plurality of fees through the credit card number or debit card number associated with the account held by the user, apart from the account established at the third party billing server (see, e.g., specification at page 43, first full paragraph).

Applicant submits that the cited references do not teach or suggest this combination of features.

The general nature of *Ginter et al.* has been discussed adequately in previous papers, and it is not believed to be necessary to repeat that entire discussion. Briefly, *Ginter et al.* relates to a system for controlling the distribution and use of electronic content by creating a virtual distributed environment (VDE), which is a combination of hardware and software components that create a desired rights environment for the use of electronic content.

Ginter et al. may discuss a user paying for content using a credit or debit card (e.g. VISA). However, in the system of *Ginter et al.*, a charge is applied to the VISA account each time a user downloads content requiring a fee to be paid. Nothing has been found in *Ginter* that would teach or suggest “billing the user for an amount equal to a sum of the accumulated plurality of fees through the credit card number or debit card number associated with the account held by the user, apart from the account established at the third party billing server,” as recited in Claim 5.

Accordingly, Applicant submits that Claim 5 is patentable over *Ginter et al.* Independent Claims 1, 3, 33, 58, 61, 66, 69, 70, 71, 74, and 75 each include a feature similar to that discussed above, in which fees are accumulated and a user is billed in an amount equal to a sum of the accumulated fees. Therefore, those claims also are believed to be patentable over *Ginter et al.* for at least the reasons discussed above.

The general nature of *Krishnan et al.* has been discussed adequately in previous papers, and it is not believed to be necessary to repeat that entire discussion. Briefly, *Krishnan et al.*, as understood by Applicant, relates to securely incorporating electronic information into an online purchasing application.

Krishnan et al. may discuss use of an online wallet system for purchasing online content. However, in the system of *Krishnan et al.*, a charge is applied to the electronic wallet account each time a user downloads content requiring a fee to be paid. Accordingly, nothing has been found in *Krishnan et al.* that would supply what is missing from *Ginter et al.*

Nothing has been found in *Ginter et al.* or *Krishnan et al.*, either separately or in any permissible combination (if any) that would teach or suggest “billing the user for

an amount equal to a sum of the accumulated plurality of fees through the credit card number or debit card number associated with the account held by the user, apart from the account established at the third party billing server,” as recited in Claim 5.

Accordingly, Applicant submits that Claim 5 is patentable over *Ginter et al.* and *Krishnan et al.*, whether considered either separately or in any permissible combination (if any).

Independent Claims 1, 3, 33, 58, 61, 66, 69, 70, 71, 74, and 75 each include a feature similar to that discussed above, in which fees are accumulated and a user is billed in an amount equal to a sum of the accumulated fees. Therefore, those claims also are believed to be patentable for at least the reasons discussed above.

A review of the other cited references has failed to reveal anything which, in Applicant’s opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Because each dependent claim also is deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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